

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
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In the Matter of )  
)  
The Development of Operational, )  
Technical and Spectrum Requirements )  
For Meeting Federal, State, and Local )  
Public Safety Agency Communication )  
Requirements Through the Year 2010 )  
)  
Establishment of Rules and Requirements )  
For Priority Access Service )

WT Docket No. 96-86

Comments of the  
International Association of Chiefs of Police

The International Association of Chiefs of Police (IACP) hereby submits these comments in response to the Second Notice of Proposed Rulemaking issued by the FCC on October 24, 1997, in the above-captioned proceeding.<sup>1</sup> As detailed below, IACP commends the efforts of Congress and the Commission to ensure that the critical spectrum shortages faced by the nation's public safety entities are remedied in an effective and prompt fashion. To this end, IACP strongly supports Congress's decision to dedicate 24 MHz of spectrum at 746-806 MHz to public safety services and encourages the Commission to move forward quickly with the adoption of final service rules for this allocation so that licensing can commence by September 30, 1998, as directed by Congress.

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<sup>1</sup> *The Development of Operational, Technical and Spectrum Requirements For Meeting Federal, State and Local Public Safety Agency Communications Requirements Through the Year 2010, Establishment of Rules and Requirements For Priority Access Service*, WT Docket No. 96-86, FCC 97-373 (rel. Oct. 24, 1997) [hereinafter *Second Notice*].

In addition, IACP urges the FCC to adhere to the recommendations contained in the *Final Report* issued by the Public Safety Wireless Advisory Committee (PSWAC). The PSWAC recommendations were developed through the extensive cooperative efforts of a broad range of local, state, and federal public safety agencies, public service providers, equipment manufacturers, commercial service providers, and the public at large, and represent the most appropriate solutions for the unique operational requirements of public safety entities. Consistent with PSWAC's suggestions, IACP urges the Commission to: (1) remain cognizant of the short and long-term spectrum recommendations advanced in the PSWAC *Final Report*; (2) implement PSWAC's recommendation that the FCC immediately allocate 2.5 MHz of spectrum for interoperability in the VHF and UHF bands between 138 MHz and 512 MHz; and (3) help facilitate the development of shared systems between multiple public safety/public service agencies.

IACP is an organization of more than 14,000 professionals responsible for the administration of law enforcement agencies throughout the world. As a result of its close relationship with law enforcement departments and officials, IACP is uniquely qualified to comment on the Commission's proposals concerning the communications needs of the public safety community. In addition, many members of IACP and their staffs participated in the development of the PSWAC *Final Report* as well as serving on the PSWAC Steering Committee. IACP has thus been intricately involved in the PSWAC effort to identify and develop answers to the communications deficiencies faced by local, state, and federal public safety agencies.

At the outset, IACP applauds Congress's and the Commission's acknowledgement of the extreme spectrum shortages faced by public safety entities. As documented in the PSWAC *Final*

*Report* and in the *Second Notice*, over the past decade, the nation's police, fire, emergency medical, and other public safety/public service providers have confronted numerous difficulties that threaten the reliability and effectiveness of public safety communications systems and that could seriously undermine the ability of public safety entities to respond to emergency situations. Chief among the problems faced by public safety organizations are frequency congestion (particularly in urban areas) and the lack of available spectrum to resolve the congestion, the inability to effectuate inter-system interoperability, and the lack of funds needed to affect the necessary upgrades. Congress's decision to commit 24 MHz of spectrum between 746 MHz and 806 MHz to public safety services represents a significant first step in addressing the short and long-term communications needs of the public safety community. IACP supports the Commission's efforts to develop service rules to govern public safety operations in this spectrum and urges the Commission to ensure that final service rules are adopted expeditiously and the spectrum cleared of incumbents so that licensing of public safety entities seeking to use 746-806 MHz can commence by September 30, 1998, as directed by Congress.<sup>2</sup>

In addition, IACP urges the Commission to remain cognizant of the key recommendations contained in the PSWAC *Final Report* as the FCC develops its service rules for the public safety allocation at 746-806 MHz and during all phases of what will undoubtedly be an ongoing effort to ensure that the communications needs of public safety entities will be met. In particular, it is critical that the Commission adhere to PSWAC's recommendations – in addition to the recommended allocation of 25 MHz of spectrum to satisfy short-term public safety communications needs – that the FCC: (1) allocate 2.5 MHz of spectrum primarily below

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<sup>2</sup> See 47 U.S.C. § 337(b)(1) (added by Section 3304 of the Balanced Budget Act of 1997).

500 MHz for interoperability purposes, and (2) develop a comprehensive plan and commitment to provide an additional 70 MHz of spectrum for public safety use in the ensuing 5-15 year time-frame.<sup>3</sup> Congress's identification of 24 MHz of spectrum at 746-806 MHz to be committed to public safety use addresses only a *small portion* of the spectrum needs identified in the PSWAC report. IACP urges the Commission not to lose sight of the additional short and long-term recommendations advanced in the PSWAC *Final Report* and takes this opportunity to stress the need for continued FCC involvement in the effort to ensure that PSWAC's key recommendations are implemented.

In this same connection, IACP underscores its continuing support for PSWAC's recommendation that the FCC allocate 2.5 MHz of spectrum between 138 MHz and 512 MHz for public safety interoperability purposes.<sup>4</sup> While IACP does not oppose the designation of interoperability frequencies in the public safety allocation between 746-806 MHz, such a designation does not eliminate the continued need for an allocation between 138 MHz and 512 MHz to facilitate improved interoperability for public safety agencies operating in the 150 MHz and 450-512 MHz allocations. Accordingly, IACP urges the Commission not to abandon PSWAC's recommendation in favor of an exclusive designation of interoperability channels at 746-806 MHz.

Finally, IACP reiterates the PSWAC *Final Report's* recommendation that the FCC help encourage the development of shared local, state, and federal systems that facilitate closer

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<sup>3</sup> PSWAC, Final Report of the Public Safety Wireless Advisory Committee to the Federal Communications Commission and the National Telecommunications and Information Administration, Sept. 11, 1996, at 21.

<sup>4</sup> *Id.*

cooperation between all levels of government.<sup>5</sup> Sharing and coordination among several public safety entities also serves to ensure that a broad array of public safety/public service communications needs are met in a spectrum efficient manner and gives critical public safety entities access to a greater amount of spectrum in times of crisis. IACP suggests that a wide range of public safety and government public service entities be eligible to operate on these shared systems and to use the interoperability channels at 746-806 MHz, as well as the public safety spectrum channels that are not reserved for interoperability.

Respectfully submitted,

**The International Association of Chiefs of Police**

515 N. Washington Street

Alexandria, VA 22314-2357

Telephone: (703) 836-6767

By: Chief Bobby D. Moody, President  
Harlin R. McEwen, Chairman  
IACP Communications & Technology Committee

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<sup>5</sup> *Id.*, 62.